



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Cw. U.K.



565

C 815

L.L.
Cw.U.K.
X565
C815





*Edward Peacock Esq. F.S.A.
Forthwith Cleverness
ON THE
Capesterre*

CUSTOM OF BOROUGH ENGLISH,

AS EXISTING IN THE COUNTY OF SUSSEX.

BY

GEORGE R. CORNER, ESQ., F.S.A.

REPRINTED FROM VOL. VI. OF

The Sussex Archaeological Collections.

LONDON:

MDCCLIII.

L. E. & C. 25c. L. 1811. 7

TUCKER, PRINTER, PERRY'S PLACE, OXFORD STREET.



ON THE
CUSTOM OF BOROUGH ENGLISH, AS EXISTING
IN THE COUNTY OF SUSSEX.

THIS singular custom prevails so much more extensively in this county than in any other part of the kingdom, that it may almost be considered as the common law of Sussex with respect to the descent of copyhold lands and tenements ; and on that account, as well as for the general interest which the subject possesses, I venture to lay before the Sussex Archaeological Society the following observations, being the result (as far as respects the county of Sussex) of inquiries which I have been prosecuting as to the origin, history, and extent of this remarkable and hitherto unexplained custom.

“ Borow-English is a customary descent of lands or tenements in some places, whereby they come to the youngest son, or if the owner have no issue, to his youngest brother, as in Edmunton.”¹

“ Also, for the greatest part, such boroughs have divers customs and usages, which be not had in other towns ; for some boroughs have such a custom, that if a man have issue many sons, and dieth, the youngest son shall inherit all the tenements which were his fathers, within the same borough, as heir unto his father, by force of the custom ; the which is called Borough English.”²

There are, however, variations of the custom in different manors : in some, for instance, the custom is confined to sons, and does not extend to prefer the youngest daughter, youngest brother, or collateral heir ; while in other manors the youngest daughter would inherit, if there were no sons, and the

¹ Kitchin on Courts, fol. 102, Terms de la Ley.

² Littleton, on Tenure in Burgage, lib. ii, cap. 10, sec. 165.

youngest brother or collateral heir if there were no issue; whereas if the custom does not extend to prefer the youngest daughter, or youngest brother, or collateral heir, all the daughters would be entitled to the inheritance; or for want of daughters, the eldest brother would succeed, as at common law: "for the custom is strictly confined to the youngest son, or his lineal representative," "and does not extend to the youngest brother without a special custom of the place for that purpose," for customs ought always to be taken strictly.³

As to the name of the custom, Robinson says,⁴ "the name itself guides us to judge of its antiquity, and teaches us that this custom had its rise among the Anglo-Saxons; indeed it is probable that it was not known by this title until the Normans, who were strangers to any such kind of descent in their own country, on their settlement in this kingdom gave it the name of 'the custom of the Saxon towns,' to distinguish it from their own law, and this may be collected from 1 Edw. III 12a,⁵ where it is said that in Nottingham there are two tenures, 'Burgh Engloyes' and 'Burgh Frauncoyes;' the usages of which tenures are such, that all the tenements whereof the ancestor dies seised in Burgh Engloyes 'ought to descend to the youngest son, and all the tenements in Burgh Frauncoyes to the eldest son as at common law.'"⁶

As to the origin of the custom, Littleton says, "this custom also stands with some certain reason, because that the younger son (if he lack father and mother) may least of all his brethren help himself, &c."⁷

The editor of 'Modern Reports,'⁸ in his preface to part 3, says of Borough English, "It is a custom contrary to the positive law of God, and which inverts the very order of nature;" and he attributes the origin of the custom to a supposed right of the lords of certain manors, on the marriage of their tenants.

Nathaniel Bacon—whose work on the Laws and Government of England (fol. 1739) is entitled to respect, as having been compiled from MSS. notes of the celebrated Selden, who was a native of Sussex—gives us an amusing, if not very luminous account of this custom. He says, "another custom of

³ Robinson's Gavelkind, 3d ed., pp. 118 and 391, citing Co. Litt. 110 b.

⁴ On Gavelkind, p. 385.

⁵ This reference should be Year Book, 1 Edw. I, p. 12, No. 38.

⁶ Bacon of Government, 66, Co. Litt. 110 b.

⁷ Littleton, on Villenage, lib. ii, cap. 2, sec. 211.

⁸ Date 1700.

inheritance was catched I know not how, it is called Borough English, and by the name may seem to be brought in by some cynical odd Angle that meant to cross the world, and yet in a way not contrary to all reason : for where nature affords least help, the wisdom of men hath used to be most careful of supply ; and thus the youngest became preferred before the elder in the course of descent of inheritance according to this custom. There is no further monument of the antiquity hereof that I have met with than the name itself, which importeth that it sprang up whiles as yet the names of Angles and Saxons held in common cognizance ; and might arise first from the grant of the lords to their tenants, and so by continuance become usual. And by this means also might arise the custom of copyholds of this nature, so frequent, especially in those eastern parts of this island where the Angles settled, and from whom that part had the name of the East Angles.”⁹

Blackstone, after citing the reason assigned for the custom by Littleton, and referring to its supposed origin from the custom of certain manors as stated by the editor of Modern Reports,—says he cannot learn that ever this custom prevailed in England, though it certainly did in Scotland, (under the name of *Mercheta* or *Marcheta*) till abolished by Malcolm III;¹⁰ adding that, according to Father Duhalde, this custom of descent to the youngest son also prevails among the Tartar tribes ; and that amongst many other northern nations it was the custom for all the sons but one to migrate from the father, which one became his heir.¹¹ “ So that possibly this custom, wherever it prevails, may be the remnant of that pastoral state of our British and German ancestors, which Cæsar and Tacitus describe.”¹²

Robinson says, “ Concerning the cause and original of this custom there are two several conjectures.”¹³

First, the supposed right of the lord on the marriage of his villein tenant, “ and particularly in the northern counties, who it seems drew this barbarous usage from their neighbours the Scots, among whom, by a law of their King Evenus III,¹⁴ ‘ Rex, ante nuptias sponsarum nobilium, nobiles plebeiarum prælibabant pudicitam,’ which continued to be the practice till

⁹ Page 66.

¹⁰ Seld. Tit. of Honour, ii, 1, 47, Reg. Mag., lib. iv, cap. 31.

¹¹ Walsingh. Upodigm. Neust., cap. 1.

¹² Blackstone's Com., vol. ii, b. 2, cap. 6,

page 83.

¹³ Gavelkind, p. 386.

¹⁴ Buchan. Hist. Scot., lib. iv.

Malcolm III, ‘Uxoris precibus, dedisse fertur, ut primam novæ nuptæ noctem, quæ proceribus per gradus quos-dam lege Eveni debebatur, sponsus dimidiatâ argenti marcâ redimere posset: quam pensionem adhuc Marchetas¹⁵ mulierum vocant;’ a term as well known to our law, for a fine due to the lord on the marriage of a son or daughter of his villein.”¹⁶ But Robinson says he believes on inquiry it will be found that the custom of Borough English does not particularly obtain in those manors where such fine is paid: and this reason, though perhaps sufficient to exclude the eldest, would only if taken in its full force convey the inheritance to the second son as the next worthy, and not to the youngest; and he inclines to the reason given by Littleton, that the youngest son, after the death of his parents, is least able to help himself, and most likely to be left destitute of any other support: and therefore the custom provided for his maintenance by casting the inheritance upon him; considering in what places this custom prevails, which are for the most part, either ancient boroughs or copyhold manors. In the former was exercised the little trade that was anciently in the kingdom, and tradesmen would find it most for their own ease and the benefit of their sons, as they severally grew up, to send them out into the world, advanced with a portion of goods, thereby enabling them to acquire their living by art and industry: and for this purpose the old law was very indulgent to the son of a burgess, supposing him to be of age, “Cum denarios discrete sciverit numerare, pannos ulnare, et alia negotia similia paterna exercere.”¹⁷ But as the youngest son was most likely to be left unadvanced at the death of his father, the custom prudently directed the descent of the real estate (generally little more than the father’s house) where it was most wanted. But as it might happen that the youngest son was, in his father’s life-time, placed out in as advantageous a way as the rest, the custom of most boroughs gave a power unknown to the common law, of devising the tenements by will.¹⁸

“In copyhold manors the demesnes were generally divided among the tenants in very small parcels, holden on arbitrary

¹⁵ Buchan. Hist. Scot., lib. vii.

¹⁷ Glanvil. lib. vii, cap. 9, Bract. lib.

¹⁶ Co. Litt. 117 b., cap. 140 a, Bract. lib. ii, cap. 37, f. 86^b.

¹⁸ Litt., sec. 167. Rob. Gav. 388, 9.

fines, large rents, and hard services, so as to be little more beneficial than leases at rack-rents ; and the elder sons at a proper age either applied themselves to husbandry, or in those manors where all the demesnes were not already parcelled out, might obtain estates on the same hard terms ; and the small advantage of their father's tenement was left to descend to the youngest son, the only, though a mean support of his infancy.”¹⁹

Among the supporters of the fancied origin of this custom, in the supposed right of the lord on the marriage of his villein tenant, is the learned antiquary, Dr. Plot.²⁰ Blount, also, in the original edition of his ‘*Fragmenta Antiquitatis or Jocular Tenures*,’ in a note on Berkholte, Suffolk, (where there was a custom, that when the tenants would marry their daughters, they used to give to the lord for license so to do two ores,²¹ which were worth thirty-two pence), says, “this fine for the tenants marrying their daughters was without doubt in lieu of the mercheta mulierum.”²²

Blount’s last intelligent editor, however, in a note to “Ammobragium” (of which hereafter), says, “I believe there never was any European nation (in the periods this custom is pretended to exist)²³ so barbarous as to admit it,” and Dr. Whitaker, the learned historian of Lancashire, says that the “Mercheta (of the Scottish feuds in particular) is certainly British. This term is apparently nothing more than the merch-ed of Howel Dha, the daughterhood or the fine for the marriage of a daughter.”²⁴ But I apprehend that at this period it is hardly necessary to attempt any refutation of that theory ; although the subject is curious, and has given occasion to some learned dissertations, amongst which I will refer to a very elaborate essay “of the law of Evenus and the Mercheta Mulierum” by Sir David Dalrymple, Bart., Lord Hailes, appended to his *Annals of Scotland*, wherein he not only treats Evenus and his supposed law as fabulous and scandalous, but he expresses strong doubts of the authenticity of the laws

¹⁹ Rob. Gav., p. 389.

²⁰ Plot’s Natl. Hist. of Staff., cap. viii, sec. 20.

²¹ An Anglo-Saxon coin, of which there were two sorts, the larger containing 20 peninges, which, according to Lye,

would be about 60 pence, and the other 16 peninges, about 48 pence.

²² Blount by Beckwith, p. 483.

²³ Ib., pp. 474-5.

²⁴ Whitaker’s Manchester, lib. i, cap. 8, sec. 3, p. 265.

of Malcolm III, by which the supposed law of Evenus is said to have been abrogated.

The notion of the prevalence of such a custom may be attributed to a vulgar error, arising from the fact of a fine called "Mercheta" having been payable in some manors to the lord on the marriage of his villein's daughter to a freeman, or to any person out of the lordship,²⁵ the reason of which was, that as the villeins with all their progeny were the lord's property, and belonged to the soil, if the villein's daughter was married to a freeman, or to the serf of another lord, the lord of the manor to which she belonged was entitled to a fine, as compensation for the loss he would sustain of the woman and her issue, as if he had lost a heifer or a brood mare. This fine was generally a mark, or half a mark, hence the term mercheta, and it is very evident that the vulgar mind, always accessible to the marvellous, might easily understand this customary payment on such an occasion, as composition for a gross and indecent custom which I am happy to believe existed only in imagination. And this was the opinion of Mr. Astle, in his *Essay on the Tenures and Customs of Great Tey, Essex*, in the 'Archæologia,' vol. xii, p. 36.

Those who are curious to follow up this subject should read Sir David Dalrymple's *Essay*, and they may also see a very interesting paper on the same subject, by M. J. J. Raepsaet, entitled, 'Recherches sur l'origine et la nature des Droits connus anciennement sous les noms de droits des premières nuits, de markette, d'afforage, marcheta, maritagium et burmede,' 8vo, Gand, 1817.²⁶

M. Raepsaet agrees with Lord Hailes in treating the supposed law of Evenus as fabulous, and in questioning that of Malcolm III. And he considers the mercheta as an indemnity to the lord for the alienation of his female serf; and after tracing the droit des premières nuits to a fine paid to the clergy, for breach of an injunction of the fourth council of Carthage, (Can. 13,) held in the year 398,²⁷ he concludes:—

²⁵ Manor of Wivenhoe county Essex.
"Ric Barre tenet unum messuagium, &c.
et debet Tallagium, Sectam Curiae et
Merchet, hoo modo; quod si maritare
voluit Filiam suam cum quodam libero
homine extra Villam, faciat pacem Domino
pro maritagio: et si eam maritaverit alicui

Custumario Ville, nihil dabit pro Mari-
tagio." Extent Manerii de Wivenho, 40
Edw. III, Watkins' Cop., by Vidal, vol. ii,
p. 358.

²⁶ There is a copy in the library of the
Society of Antiquaries, Q. 3-15.

²⁷ Abolished, 1409.

"Voilà donc l'histoire de l'origine, du progrès et de l'abolition d'un droit spirituel, que le défaut de critique avoit fait provenir d'un droit fabuleux et révoltant, et avoit confondu avec un droit d'indemnité dû à un propriétaire pour l'aliénation d'une fille serf. Ce n'est pas le seul que la prévention et l'ignorance ont attribué à des causes illégitimes, et q'une critique sage et impartiale retrouve, en remontant à la source, fondé sur de plus justes titres."

In Wales, and on the Shropshire border, a similar custom to the mercheta existed under the name of amabyr or amvabyr. It existed in the honour of Clun, formerly belonging to the Earls of Arundel, and is mentioned in Cunningham's Law Dictionary, and also in Jacob and Tomlins, as "Premium ~~Primit.~~ virginitatis domino solvendum," referring to "LL. Eccl. Gul. Howeli Dha Regis Walliae." This custom was released to his tenants by Henry, Earl of Arundel, anno 3 and 4 Philip and Mary, by the name of the custom of amabyr and chevage."²⁸

If the reference given by these writers be to the "Cyfreithieu Hywel Dda ac eraill, seu leges Walliae ecclesiasticæ et civiles, by Gul. Wotton, s.t.p. adjuvante Mose Gul. A.M. R.S. soc. fo. 1730," that authority does not justify the above definition; but I find in the glossary to that work, "Amobr contracte pro Amwobr ab Am (of) et Gwobr (a maid or virgin) Dicitur de pecunia quæ vel pro maritandis puellis, vel pro pudicitia violata Domino pendebatur. In libro censuali Arvonensi, appellatur 'Amobragium.' Vid. Dav. Dict. in voce. Dicitur etiam Gobr merch."

In the manor of Buelld, in Radnorshire, a noble paid by every tenant at the marriage of a daughter, is called maiden rent. Vide Cowell in voce.

Amabyr was in fact the same as mercheta, a fine payable to the lord on the marriage of his nief, or a penalty for the violation of her chastity.

The reasons assigned by Littleton, Blackstone, and Robinson are all virtually the same; all resting upon the disadvantage of position of the youngest son; and they are all equally unsatisfactory, for they are grounded upon the supposition that the youngest son alone is unsettled in life, or left with his

²⁸ I cannot think that the terms of this charter will justify the above definition. I have made considerable efforts to find the charter, but hitherto without success.

*I have since been found and was read at
the Meeting of the Archaeological Institute at
Scarborough 1855 and has since been
read at the Meeting of the Archaeological
Institute at Scarborough 1856.*

father at his decease, in which case alone the custom would have an appearance of justice ; and they overlook the very constant occurrence of one or more of the elder sons being set forward in life during their father's life time, leaving several at home ; and the not unfrequent case of a father dying early, and leaving all his sons young and equally helpless and unprovided for ; in which cases it would seem to be most inconsistent with justice and equity, as well as most inconvenient to the family of the deceased tenant, that the inheritance should go to the youngest son in preference to his brothers, as unprovided, and except by a few years more or less of age, not more able to help themselves than he is.

It seems to me, therefore, that the real cause of the origin of the custom of Borough English has not yet been ascertained ; and although venturing to differ from such learned authorities as I have cited, I propose to give my own views on the subject. I am by no means so confident as to say, or to think, that I have discovered the sure and very cause and reason of this singular custom, and I submit what I have to say as to its origin, with very sincere deference to the opinions of those who are much better qualified to decide upon questions of legal and antiquarian research.

With these preliminary observations, I beg to say that I consider the custom of Borough English took its rise from the period when copyhold lands were held really and substantially, and not, as now, nominally "at the will of the lord," when the lord's will, uniformly exercised, made the custom of the manor, and was not, as now, controlled by the custom. And in no instance was the lord's will so likely to be exercised as in determining which of his tenant's family, on the decease of the tenant, should succeed to the tenement held by the lord's will.²⁹

The custom of Borough English is in fact to be accounted for in the same manner as the various other customs which exist in different manors. In some manors the lands descend

²⁹ "If the villein behaved himself well, was industrious, and faithful in his returns, he often continued in the possession of the lands, and even when he died his children were frequently permitted to succeed him. This, however, depended upon the pleasure

of the lord ; and if the lord consented that some of the posterity of the deceased tenant should again occupy the lands, it was for him to select the individual. Hence the variety of customs as to descents." Watkins' Cop. vol. ii, p. 210.

to the eldest son, in others to all the sons equally, as in Gavelkind. "Custom of some manor is, that if the tenant dies seised of five acres or less, then the youngest son ought to inherit, but if above, then all the sons, as in Gavelkind, ought to inherit it."³⁰ "Custom of some manor is, that the youngest son, or youngest daughter of the first wife, being married a virgin, ought to inherit."³¹ In other manors, the sons and daughters inherit equally, as at Wareham in Dorsetshire.³² In others the eldest daughter alone succeeds to the inheritance if there be no sons, as at Yardley in Hertfordshire.³³

As great a variance exists in different manors as to the wife's dower. In some the wife is entitled to the whole of her husband's copyhold lands for her life, as at Cuckfield, Ditcheling, and Rottingdean: in others to a moiety, in others to a third as at common law, and in some manors she is not entitled to any dower or freebench in respect of the copyhold lands of her husband, as at Rotherfield: and I have been informed of one manor where daughters are preferred in respect of inheritance to sons.³⁴ Thus it is, I think, owing to the caprice of the several ancient lords, that these different manorial customs have arisen and been established.

This opinion is in accordance with those of Sir Martin Wright, in his introduction to the Law of Tenures,³⁵ and Mr. Watkins, in a note on Chief Baron Gilbert's work on Tenures.

And as to the reasons which would induce the lord to prefer the youngest son to succeed the father in the inheritance of the tenements held of his manor, we may suppose that the barons and lords being liable to furnish certain numbers of men for military service, in many instances, took care to secure the elder sons of their tenants as military retainers; and that the villenage or copyhold lands, being generally held by agricultural services, were left to the younger sons or youngest son to cultivate, and render the services due to the lord for the land. And another reason may be attributed to the avarice, or love of patronage of the lords, for as the lord was entitled to the wardship of his infant tenants, which allowed the infant only a decent maintenance during his minority, (all

³⁰ Kitchin, p. 203.

³³ Salmon's Herts, p. 323, Watkins' Cop.

³¹ Kitchin, p. 202.

by Vidal, vol. ii, p. 444.

³² Blount's Ten. 288, Watkins' Cop. by Vidal, vol. ii, p. 441.

³⁴ Penrith, in Wales.

³⁵ Wright on Tenures, p. 221.

the surplus profits going to the profit of the guardian) the lord had a direct interest in long minorities, and therefore might have willed that the youngest son should be the heir.

It is true that the lord would not frequently trouble himself with such small matters, but there was generally some retainer of the lord, or uncle or near relative of the minor, who begged the wardship of the lord; who in exercise of his patronage, and in imitation of greater men, granted the wardship of his infant tenant to his own dependant, as he himself would have asked and gladly received a more important wardship from the king or his own superior lord.

A very remarkable instance of the exercise of the lord's will, as respects the descent of lands holden of him, is extant in a charter of that very remarkable man, Simon de Montfort; a name historically connected with this county and the town of Lewes (to whom this nation is more indebted than is generally known or acknowledged), dated in 39th Henry III (A.D. 1255), whereby, as a great favour to his burgesses of Leicester, at their earnest supplication, for the benefit of the town, and with the full assent of all the burgesses, the earl granted to them that thenceforward the eldest son should be the heir of his father instead of the youngest, as was then the custom of the town. This charter is more remarkable as it was the act of a subject by his own will altering the local law of inheritance, without any legislative authority or even royal sanction; and that sixty-five years subsequent to the period of legal prescription.

To revert to the name of the custom, my opinion is that it originated with the Norman lords, who imposed this custom as a peculiar mark of serfdom on their English vassals, which their Norman followers, who were accustomed to the law of primogeniture as attached to freeholdings, would not submit to; hence the distinction of tenures at Nottingham, of Burgh Employes, and Burgh Frauncoyes, which although not now known in that town, are kept in remembrance by the two parts of the town having been not long since distinguished as the English borough and the French borough. It is worthy of observation, as corroborative of this view of the subject, that the Earls of Warren and Surrey, who soon after the Conquest possessed the barony and rape of Lewes, where the custom of Borough English is almost universal as regards copyholds,

possessed also Reigate, Dorking, Betchworth, and Kennington in Surrey, and Stamford in Lincolnshire ; in all which places we still find the same custom prevailing.

To show that the customary descent to the youngest son was not unknown to the Norman and Flemish followers of William, as a peculiarity of serfdom or villeinage (although Robinson says they were unacquainted with it in their own country, and Blackstone was obliged to go so far away as to the Tartar tribes for any similar custom) I can, thanks to the improved facilities of international communication, and to the general desire among enlightened nations to receive and impart knowledge, refer to the ‘*Coutumes locales du Baillage d’Amiens*,’ by M. Bouthors, Greffier en chef de la Cour d’appel d’Amiens, &c., published by the Société des Antiquaires de Picardie, where we find that the same customary descent to the youngest son prevails in that province of France, and in Artois, under the name of Maineté,³⁶ viz, in the Seigneuries of Gouy et Bavaincourt, Rettembes, Croy, Lignieres, Warlus, Rezencourt, Brontelle, Hornoy, Selincourt, Adinfer, Blairville, Wancour, Guémappes, Hebuterne, Pays de Callieu, Temporel du Chapitre, d’Arras, and Rassery.

M. Bouthors, in a letter to me, says, that in the environs of Arras and of Douai the law of Maineté was the general custom. In Ponthieu and Vivier it was the exception.

M. Bouthors also says that it is found likewise in Flanders, under the name of Madelstard ;³⁷ and Ducange tells us it prevailed among families at Hochstet in Suabia. “Quametiam locum habuisse in familia Hochstatana Auctor est Ludovicus Guicciardinus in Descr. Belgii.”³⁸

But I must not forget that this paper was to relate to the custom of Borough English as prevailing in the county of Sussex, and hitherto I have said but little as to that county. I will only defer advertizing to it more particularly by stating that in this kingdom the custom is much more extensive than would be generally supposed. In Cornwall I have found one manor subject to the custom ; in Derbyshire, the town of Derby ; in Devonshire, two manors ; in Essex, eight manors ;

³⁶ Moins né—Moins agé.

³⁷ Merlin Répertoire de Jurisprudence, en mot Maineté.

³⁸ This I take to be Hoogstraat. I cannot, however, find any such passage in Guicciardin’s Belgium, 2 vols. 16mo, Amsterdam, 1660.

in Glamorganshire, one manor; in Gloucestershire, the city of Gloucester, where it governs the descent of freeholds; in Hampshire, nine manors; in Herefordshire, four manors; in Hertfordshire, one manor; in Huntingdonshire, three manors; in Kent, one manor; in Leicestershire, one manor; in Lincolnshire, the borough of Stamford; in Middlesex, sixteen manors; in Monmouthshire, one manor; in Norfolk, twelve manors; in Northamptonshire, one manor.

In the town of Nottingham, this customary mode of descent is now unknown, but it exists at Scrooby and Southwell, and in three other manors; in Shropshire, three manors; in Staffordshire, part of the borough of Stafford and two manors are subject to the custom. In Suffolk I have found thirty manors; in Surrey, twenty-eight manors; in Sussex, one hundred and forty manors; and in Warwickshire, two manors; in which the custom of Borough English is the law of descent.

It is worthy of notice that this custom is found to prevail more extensively in the counties anciently called Southfolk, Suthrey, and Suthsex, than in any other part of the kingdom.

From the preface to Nelson's 'Lex Maneriorum' I extract the following passage relating to Wadhurst in Sussex:—

"It is true some of these customs are very strange, such as that which was mentioned by Chief Justice Anderson,³⁹ which he knew in the manor of Wadhurst, in Sussex, where he tells us there are two sorts of copyhold tenures, 'Sokeland'⁴⁰ and 'bondland.' And the custom is, that if the tenant was first admitted to sokeland, and afterwards to bondland, and died seised of both, his heir-at-law should inherit both; and if he was first admitted to bondland then his youngest son should inherit both; but if he was admitted to both at the same time then his eldest son should inherit both."

From John Hoper, Esq., of Lewes, to whose liberal kindness I am indebted for a communication of forty of the following list of Borough English manors in Sussex, I have also received a very curious extract from the customs of the manor of Framfield, as settled by a decree of the Court of Chancery, dated 4th July, 4 James I.

³⁹ *Kemp v. Carter*, 1 Leon, 55.

⁴⁰ Sokeland is evidently freeland as contrasted with bond land, which was

held by servile tenure, and this distinction is very significant as to the origin of the custom.

"That if any man or woman be first admitted tenant of any of the 'Assert Lands,'⁴¹ and die seized of Assert lands and bondlands, then the custom is, that the eldest son be admitted for heir to all; and if he or she have no son then the eldest daughter likewise. And if the said tenant, be it man or woman, be first admitted to bondland (that is to say) yard-land, the youngest son or youngest daughter shall be likewise admitted for heir to all his customary lands; and the like course is to be observed for brothers, sisters, uncles, aunts, and cousins, if there be neither son nor daughter.

The custom of Maresfield⁴² is also similar to that of Framfield; and in Warbleton, assert land descends to the eldest son, while other copyhold lands of the manor go to the youngest.⁴³

In the manor of Bosham⁴⁴ there are three sorts of land, called respectively Forrep land,⁴⁵ Board land,⁴⁶ and Cot land.⁴⁷

At Rotherfield there are also three sorts of land, called respectively Farthing land, Cotman land, and Assert land. As to Assert land the eldest son is heir, and the wife is not entitled to dower; but as to Farthing lands and Cotman lands, the youngest son is heir, and the wife is entitled to dower during chaste widowhood; but a difference exists between Farthing land and Cotman land, in respect of the descent to daughters if there be no sons, as the custom is that Farthing lands descend to the youngest daughter, and Cotman lands are divided among all the daughters.

I annex a list of all the manors and places in the county of Sussex that I have been able to collect in which the custom of descent to the youngest son exists, with the names of the

⁴¹ Assert or assart (Fr. essarter), to grub up or clear land of bushes, &c., and fit it for tillage. Assart was anciently used for a parcel of land assarted or cleared of wood. (Blount's Law Dictionary.)

⁴² Per Mr. Hoper.

⁴³ Per R. Bray, Esq. (steward).

⁴⁴ Dallaway, R. of Chichester, p. 88.

⁴⁵ Forrep land means the same land as is elsewhere called sook or soc, and assart; it is doubtless land taken from the forest,

as distinguished from the old yard lands or cultivated lands. W. D. Cooper, Esq., F.S.A.

⁴⁶ Board lands or bord lands—the lands which lords keep in their hands for the maintenance of their table—and the bordarii were such as held those lands which we now call demesne lands. (Bract. lib. iv, tract 3. Antiq. de Purveyance, f. 49.)

⁴⁷ Cotland—Coth sethlandum hic intelligo cotæ sedem, et prædii quid piam ad eandem pertinens. (Spelman.)

possessors mentioned in Domesday, and the present owners, as far as I have been able to ascertain them, the particulars of the customs, and the authorities ; which list, although far from perfect, and doubtless containing many inaccuracies, will I hope be found useful.

I cannot conclude this imperfect paper without expressing my thanks to the stewards of manors, and other professional gentlemen, for the liberal kindness and attention which has been given to my inquiries, and for the readiness with which they have furnished the information required. To John Hoper, Esq.; F. H. Gell, Esq.; J. E. Fullager, Esq.; and W. P. Kell, Esq., of Lewes; Robert Young, Esq., of Battle; Messrs. Freeland, Raper, and Johnson, of Chichester; H. G. Brydone, Esq., and Messrs. Blagden and Upton, of Petworth; Thomas Johnson, Esq., of Midhurst; S. Waller, Esq., of Cuckfield; Frederick Cooper, Esq., of Arundel; E. N. Dawes, Esq., of Rye; Richard Edmunds, Esq., of Worthing; C. J. Longcroft, Esq., of Havant; H. R. Homfray, Esq.; R. Bray Esq.; and J. Maberley Esq., of London, I have to return my thanks in an especial manner for the valuable assistance and information they have so kindly and disinterestedly given me : nor must I omit to mention that I have received important assistance from that excellent antiquary and most energetic member of this society, W. Durrant Cooper, Esq. F.S.A., to whom also I desire to express my most sincere acknowledgments.

I do not profess to have given a perfect list of all the manors in this county in which the custom prevails, as I have reason to believe there are many others, and I should be much indebted for any further information respecting the nature, extent, origin, and history of the custom, with which any of the members of the Sussex Archæological Society may be so good as to favour me.

Eltham, Kent.

A LIST OF MANORS AND PLACES IN THE COUNTY
OF SUSSEX IN WHICH THE CUSTOMARY
DESCENT IS TO THE YOUNGEST SON.

A List of Manors and Places in the County of Sussex.

Names of Manors.	Parishes in which situate.	Possessors in Domesday Book.
Allington . . .	Chailey Hamsey, &c. . .	Ralph, of William de Warene .
Alciston . . .	Alciston, Hellingly, and East Blatchington. . .	Battle Abbey, of the King .
Arlington . . .	Arlington . . .	Not mentioned in Domesday .
Amies . . .		.
Agnewshurst . . .	Ashburnham and Ninfield . . .	.
Brightelmstone . . .	Brighton . . .	Ralph, of William de Warene .
Brighton Michelham . . .		William de Watevile, of William de Warene .
Barcombe . . .	Barcombe, &c. . .	Earl de Warene . . .
Beddingham . . .	Beddingham . . .	The Earl of Moreton, in demesne.
Berwick . . .	Berwick and Hellingly, Alfriston, Arlington, and Hailsham . . .	Not mentioned in Domesday .
Bexhill . . .	Bexhill and St. Mary, Bulverhythe, (part of) . . .	Osborn, of the Earl of Eu .
Bidlington . . .	Bramber, Cowfold, Steyning, Beeding, and Shoreham . . .	.
Byworth . . .	In Petworth . . .	.
Byworth and Warningcamp. . .	Egdean and Fittleworth . . .	Nigel held Warnecham, in lands of Earl Roger.
Brede . . .	In Brede, Udimore, Guestling, Fairlight, Icklesham, Pitt, Winchelsea, Iden, and All Saints, the Castle, and St. Clement's, Hastings. . .	The Abbot of Fécamp, as a part of Steyning.
Bedham . . .	In Kirdford and Fittleworth . . .	.
Bepton . . .	In Bepton . . .	Earl Roger . . .
Balcomb Rectory . . .	In Balcomb . . .	.
Battle . . .	Battle, Beckley, Sedlescombe, Westfield, and Whatlington. . .	Abbot of Battle . . .
Boxgrove . . .	Part of Boxgrove . . .	.

in which the Customary Descent is to the Youngest Son.

Present Owners.	If the Custom extends to Females and Collateral Heirs. Special Customs and Observations.	Authorities.
Heirs of the Earl of Liverpool.	Youngest son, youngest daughter, or youngest collateral heir.	Customs of Manors in the Barony of Lewes, by Mr. Rowe. Horsfield's Lewes, p. 178.
Viscount Gage	The custom extends to females lineally as well as collaterally. The same The same	J. Hoper, Esq., of Lewes. Ibid. Ibid.
Heirs of J. R. Kemp, Esq., one divided moiety; and Charles Scrase Dickens, Esq., of the other.	Youngest son, youngest daughter, or youngest collateral heir.—Divided by decree, dated 25th March, 1761, in the cause of Sparrow v. Friend. The custom extends to females lineally as well as collaterally.	R. Young, Esq., of Battle. Customs of Manors in the Barony of Lewes. Horsfield, <i>supra</i> .
The Heirs of the Earl of Liverpool. Lord Dacre	The same The same	J. Hoper, Esq., and Doe dom. Parker, v. Thomas, 11 Law Journal (N. S.), C. P., 124 Sc. Scott (N.S.), 449. J. Hoper, Esq.
Viscount Gage	The same	J. Hoper, Esq.
Countess Amherst	The same	J. Hoper, Esq.
Frederick Langford, Esq.	The same	H. G. Brydone, Esq., of Petworth, Steward. Ibid.
William Townley Mitford, Esq.	The same The custom extends to females and collateral heirs. The same Copyholds and the freehold lands between the watch crosses are subject to the custom.	Court Rolls, per W. D. Cooper, Esq., v.s.a. W. Durrant Cooper, Esq. Thomas Johnson, Esq., Midhurst. S. Waller, Esq., of Cuckfield. R. Young, Esq., of Battle. Robinson's Gavelkind, Third Edit., p. 392, n. a. Messrs. Freeland, Raper, and Johnson.

Names of Manors.	Parishes in which situate.	Possessors in Domesday Book.
Barnehorn . . .	In Hooe, Bexhill, and Ninfield	Formerly belonging to the Abbot of Battle, and a Subinfeudation of Bexhill.
Balneth	Principally in Chailey, part in Chiltington	. . . . .
Bosham	Bosham	King William, in demeane . .
Bury	In Bury, Fittleworth, and Wiboro' Green	Abbot of Fécamp . . .
Bletchington . . .	East Blatchington and Willingdon.	Not mentioned in Domesday .
Beverington Redmell .	Eastbourne, Hellingly, Arlington, and Hailsham.	. . . . .
Birling	Eastbourne and East Dean .	Not mentioned . . .
Cuckfield	In Cuckfield, Bolney, Clayton, and Worth.	Not mentioned in Domesday .
Cuckfield Vicarage	In Cuckfield	
Clayton	Clayton	Wife of William de Watevill, of William de Warene.
Camois Court . . .	Barcombe, Ditcheling, and Newick	. . . . .
Cokeham	In Sompting, Lancing, and Broadwater.	Not mentioned . . .
Cowdry or Cowdrey .	In Eastbourne, Fernhurst, and Midlavant.	Not mentioned . . .
Chiltington and Nutbourn	West Chiltington and Pulborough	Ossulf, tenant of Robberd, who held of the Earl of Montgomery.
Ditcheling	Ditcheling, Chailey, Ardingly, Balcomb, and Worth.	William de Warene, in demesne
Ditcheling Garden .	Ditcheling . . . . .	. . . . .
Eastbourne Wilson, otherwise Burton.	Eastbourne	Earl of Moreton . . .
Eastbourne nether Inn	Eastbourne . . . . .	. . . . .
Eastbourne Gilredge .	Eastbourne	Earl of Moreton . . .
Eastbourne Parker .	Eastbourne	Earl of Moreton . . .

Present Owners.	If the Custom extends to Females and Collateral Heirs. Special Customs and Observations.	Authorities.
• • • • .	• • • • .	R. Young, Esq.
Sir H. D. Goring, Bart.	Youngest son or youngest daughter, brother, nephew, or niece—The widow is admitted to the whole estate of her husband for her freebench.	Watkins on Copyholds, by Vidal, App. vol. ii, p. 366. Richard Edmunds, Esq., Worthing.
Admiral Berkeley	• • • • .	Dallaway's Western Sussex, vol. i, p. 89.
Duke of Norfolk	The descent is to the youngest son, youngest daughter, youngest brother, or collateral heir.	Frederick Cooper, Esq., of Arundel, Steward, King v. Turner, 2 Law Jour. (N.S.), 188, Ch.: S. C. 2 Sim. 549; 1 Myl. & Cr. 456.
John King, Esq.	Youngest son	F. H. Gell, Esq.
Earl of Burlington	Youngest son	F. H. Gell, Esq.
J. D. Gilbert, Esq.	Youngest son, daughter, brother, sister, or collateral relative male or female.	F. H. Gell, Esq.
Earl of Abergavenny and the Rev. W. Sergison.	Youngest son, youngest daughter, or collateral heir.	Customs of Manors in the Barony of Lewes, <i>supra</i> . S. Waller, Esq.; H. R. Hornfray, Esq.; F. H. Gell, Esq., Steward.
W. J. Campion, Esq.	The same : The same :	J. Maberley, Esq., Steward. Customs of Manors in the Barony of Lewes. Horsfield, <i>supra</i> . J. Hoper, Esq.
• • • • .	The custom extends to females lineally as well as collaterally.	H. G. Brydone, Esq., Steward.
• • • • .	The descent is both lineally and collaterally to the youngest son or youngest daughter.—Widows pay 1 <i>d.</i> for each tenement, and are admitted during chaste widowhood.	
Lord Egmont	The custom extends to female and collateral heirs.	Thomas Johnson, Esq., Midhurst.
Earl of Abergavenny	Youngest son, brother's youngest son.—Widow for her bench dum sola.	F. H. Gell, Esq.
Earl of Abergavenny	Youngest son, youngest daughter, or collateral heir.—Widow entitled for life, or widowhood, for dower.	Customs of Manors in the Barony of Lewes. Horsfield, <i>supra</i> . F. H. Gell, Esq.
• • • • .	The custom extends to females lineally as well as collaterally.	John Hoper, Esq.
Earl of Burlington	Youngest son, youngest daughter, youngest brother.	F. H. Gell, Esq.
Leesees under the Dean and Chapter of Chichester.	Youngest son, youngest daughter, youngest brother, youngest sister.	F. H. Gell, Esq.
J. D. Gilbert, Esq.	Youngest son, youngest daughter, or youngest brother, sister, or collateral male or female.	F. H. Gell, Esq.
Freeman Thomas, Esq.	Youngest son, daughter, brother, or sister.	F. H. Gell, Esq.

Names of Manors.	Parishes in which situate.	Possessors in Domesday Book.
Eastbourne Medsey . . .	. . . . .	. . . . .
East Dean . . .	East Dean . . . . .	. . . . .
East Hampnett . . .	Parts of Boxgrove and West Hampnett . . . . .	. . . . .
East Lavant . . .	East Lavant, and part of Mid Lavant. . . . .	. . . . .
Eighington or Eckington . . .	Ripe, Eastbourne, Firle, and Wil- lingdon.	Not mentioned
Falmer . . .	Falmer . . . . .	. . . . .
Framfield . . .	Framfield, Uckfield, Buxted, part of Isfield. . . . .	. . . . .
Fant or Frant . . .	Frant	Not mentioned (originally a Sub- iifeudation of Rotherfield.)
Glynde . . .	Glynde	Not mentioned
Hamsey . . .	Chailey, Newick, Wivelsfield, and	William de Warene
Houndene . . .	Kingston, near Lewes, St. Ann's, Lewes.	
Highly . . .	Chailey	Not mentioned
Heathfield . . .	Heathfield	
Heighington, St. Cleere . . .	Heighton	Not mentioned
Horsted Keynes Broad- hurst. . .	Horsted Keynes	Ralph, of the Earl of Moreton
Hurst per Point or Hurst- pier Point. . .	Hurstperpoint	Robert, of William de Warene
Hova Villa et Hova Eccle- sia. . .	Hove and Bolney	William Fitzhouard, of William De Braiose.
Hartfield Pashley . . .	Eastbourne	Not mentioned
Imberhorne . . .	East Grinstead	Not mentioned
Jevington . . .	Jevington, and parts in Alfriston, Arlington, Chiddingly, East- bourne, East Dean, Firle, Hel- lingly, and Wilmington.	Not mentioned
Iham als Higham . . .	In Winchelsea, Guestling, and Icklesham.	The Earl of Eu in person
Keymer . . .	Keymer, Balcombe, Bolney, Cuck- field, and Worth.	William de Watevile, of William de Warene.
Lewes Burgus . . .	All Saints, St. John sub Castro, St. Michael, St. Peter, and St. Mary, Westout, otherwise St. Ann, in Lewes, and Ardingly.	William de Warene
Langley . . .	Pevensey, &c.	Ralph, of the Earl of Moreton.
Lullington . . .	Lullington	Not mentioned
Lurgashall . . .	In Lurgashall.	Part of the Honor of Petworth.

Present Owners.	If the Custom extends to Females and Collateral Heirs. Special Customs and Observations.	Authorities.
.	The custom extends to females lineally as well as collaterally.	John Hoper, Esq.
.	Youngest son, brother, or nephew .	Messrs. Freeland, R. and J.
.	Youngest son and youngest daughter.	Messrs. Freeland, R. and J.
.	Youngest son, daughter, brother, or sister	Messrs. Freeland, R. and J.
Viscount Gage	The same	John Hoper, Esq.
Earl De la Warr	Youngest son, youngest daughter . The custom extends to females lineally as well as collaterally.—See special customs as to assert land and bond land as before-mentioned.	J. E. Fullagar, Esq. John Hoper, Esq. Watkins' Copyholds, by Vidal, vol. ii, p. 289.
Marquis Camden	The same	William Durrant Cooper, Esq.
Lord Dacre	The custom extends to females lineally as well as collaterally.	John Hoper, Esq.
Sir H. Shiffner.		
Earl of Abergavenny	To the youngest son, youngest daughter, or youngest collateral heir.—Widow entitled for life for widow's bench.	Customs of Manors in the Barony of Lewes. Horsfield, <i>supra</i> .
Earl of Abergavenny	The same The custom extends to females lineally as well as collaterally.	F. H. Gell, Esq. F. H. Gell, Esq. John Hoper, Esq. Trash v. Wood, 9 Law Journal (N.S.), 105 Ch.; S. C., 4 Myl. & Cr. 324.
Viscount Gage	The same	J. Hoper, Esq.
Lord Dacre	The same	J. Hoper, Esq.
W. J. Campion, Esq.	The same	J. Hoper, Esq.
William Stanford, Esq.	To the youngest son, youngest daughter, youngest brother, or collateral heir.	W. D. Cooper, Esq., and F. Cooper, Esq., Steward.
Earl De la Warr	Youngest son . The custom extends to females lineally as well as collaterally.	F. H. Gell, Esq. John Hoper, Esq.
The Earl of Burlington.	To the youngest son, youngest daughter, brother, nephew, niece, &c.—The tenants, of certain lands are to be reeves.	W. Durrant Cooper, Esq.
Herbert Mascall Curteis, Esq.	The custom does not extend to females or collateral heirs.	E. N. Dawes, Esq. of Rye.
Rev. H. Bayntun	To the youngest son, or youngest daughter, or youngest collateral relative.	Customs of Manors in the Barony of Lewes. Horsfield, <i>supra</i> .
Duke of Norfolk 1, Earl of Abergavenny 2, Earl De la Warr 3.	The same.—Widow for life for her widow's bench.	Customs of Manors in the Barony of Lewes. Horsfield, <i>supra</i> . F. H. Gell, Esq.
Heirs of the Earl of Liverpool.	The custom extends to females lineally as well as collaterally.	John Hoper, Esq.
Lady Amherst	The same	Thomas Johnson, Esq.
	The same	

Names of Manors.	Parishes in which situate.	Possessors in Domesday Book.
Leigh . . .	In Cuckfield, Bolney, and Hurst perpoint.	Not mentioned . . .
Meeching cum Piddingtonhoe	Meeching, otherwise Newhaven and Piddingtonhoe.	Not mentioned . . .
Middleton . . .		William of Earl Roger . . .
Maresfield . . .	Maresfield, Nutley, Buxted, Withyham, Hartfield, East Grinstead, West Hoathly, and Fletching.	Not mentioned . . .
Mitchelham Park Gate	Arlington, Hailsham, and Hollingly.	Not mentioned . . .
Milton . . .	Arlington . . .	Not mentioned . . .
Muncklow, otherwise Monkencourt.	Withyham . . .	Not mentioned . . .
Mayfield . . .	Mayfield, Wadhurst, and Lamberhurst.	Not mentioned . . .
Meads, otherwise Broads	Eastbourne . . .	Not mentioned . . .
Meads, otherwise Lampert	Eastbourne . . .	Not mentioned . . .
Northese cum Iford	Rodmill, Iford, and Newick . . .	Not mentioned . . .
Newick . . .	Newick, Chailey, &c. . .	Probably included in Allintune. . .
Nutbourne . . .	West Bourne . . .	Robert, of Earl Roger . . .
Nytimber . . .	. . .	. . .
Otham . . .	Hailsham, Westham, and Arlington.	William de Warene, in demesne. . .
Piecomb* or Pingdean†	Piecomb . . .	*William de Warene, in demesne †William Fitz Rainald, of William de Warene. . .
Peckam		
Preston . . .	Preston, Patcham, Brighthelmstone, Westmeston, Hove, Middleton, Slaugham, and Bolney.	Bishop of Chichester . . .
Poynings . . .	Poynings . . .	William Fitz Rainald, of William de Warene. . .
The Honor and Manor of Petworth.	In Petworth, Tillington, North Chapel, and Lurgershall.	Robert, of Earl Roger . . .
Pallingham . . .	In Petworth, Kirdford, and Wisboro' Green.	. . .
Portslade . . .	Portslade . . .	Oswald, of William de Warene. Oswald, who held in the time of Edward the Confessor. . .
Playden . . .	In Northiam and Beckley [Peasmarsh, Rye, and Iden.]	. . .
Plumpton . . .	Plumpton, Chailey, &c. . .	William de Warene . . .

Present Owners.	If the Custom extends to Females and Collateral Heirs. Special Customs and Observations.	Authorities.
The Rev. W. Sergison .	The custom extends to females lineally and collaterally.	H. R. Homfray, Esq.
Earl of Sheffield	To the youngest son, youngest daughter, or youngest collateral relative.	Customs of Manors in the Barony of Lewes, <i>supra</i> . Ibid.
Earl De la Warr	The same	Horsfield's Lewes, p. 178. John Hoper, Esq.
Lady Amherst	The custom extends to females lineally as well as collaterally.—See special customs as to assert land and bond land as before-mentioned.	John Hoper, Esq.
Lady Amherst	The same	John Hoper, Esq.
Earl De la Warr	The same	John Hoper, Esq.
Marquis Camden	The same.—The same as at Framfield.	W. Durrant Cooper, Esq.
Earl of Abergavenny	Youngest son	Watkins' Copyholds, by Vidal, vol. ii, p. 274.
Earl of Abergavenny	Youngest son	F. H. Gell, Esq.
Earl of Abergavenny	To the youngest son, youngest daughter, or youngest relative collaterally.	Customs of Manors in the Barony of Lewes, <i>supra</i> .
J. H. Slater, Esq.	The custom extends to females lineally as well as collaterally.	F. H. Gell, Esq.
J. H. Slater, Esq.	Youngest of sons, daughters, brothers, sisters, uncles, or aunts.—Fine at will of the Lord Heriot, best cloven footed beast.	John Hoper, Esq.
J. H. Slater, Esq.	Youngest son living at death of the father, youngest brother, and youngest sister.	Horsfield's Lewes, p. 178.
The heirs of the Earl of Liverpool.	To youngest son, daughter, &c.	Customs presented, 1764.
William Stanford, Esq.	To the youngest son, youngest daughter, or youngest relative collaterally.	C. J. Longcroft, Esq., of Havant.
William Stanford, Esq.	The same	Customs presented, 1738.
The Crown (formerly Earl of Montagu.)	The custom extends to females lineally as well as collaterally.	Messrs. Freeland, R. and J. W. Durrant Cooper, Esq.
Colonel Geo. Wyndham.	The descent is both lineally and collaterally to the youngest son or youngest daughter.	H. G. Brydone, Esq.
Colonel Geo. Wyndham.	The same.—Widows are admitted to freebench during chaste widowhood, and are not liable to any fine.	H. G. Brydone, Esq.
John Borrer, Esq.	To the youngest son, youngest daughter, &c.	W. Durrant Cooper, Esq.
H. M. Curteis, Esq.	The custom does not extend to females or collateral heirs.	E. N. Dawes, Esq.
Earl of Chichester	Youngest son, &c.—The tenure is socage in chief.	W. Durrant Cooper, Esq. J. E. Fullagar, Esq.

Names of Manors.	Parishes in which situate.	Possessors in Domesday Book.
Prinsteed	West Bourne . . . .	. . . . .
Patcham Pevensey	Patcham Pevensey, Westham, and Hailsham.	Earl de Warene . . . Earl of Moreton . . .
Rodmell	Rodmell and Barcombe . . .	William de Warene, in demesne.
Rottingdean	Rottingdean	Hugh, of William de Warene .
Rainscombe	South Malling . . . .	. . . . .
Ringmer River	Ringmer In Tillington	Not mentioned . . .
Robertsbridge	Salehurst	Included in Salhert, belonging to Robert Earl of Eu.
Rotherfield	Rotherfield, and the greatest part of Frant.	A Royal demesne . . .
The town and port of Seaford	Seaford	An appendage of Hastings . . .
Siddleham	Part of Siddleham . . .	. . . . .
Sompting Peverell	Sompting	Ralph, of the King . . .
Southease Street	Southease and South Heighton Street	Ralph, of William de Warene .
Swanborough	Iford	Not mentioned . . .
Saddlescomb	In Newtimber, Hurstperpoint, Twineham and Bolney.	Ralph, of Earl Roger . . .
Slaugham	In Slaugham, Bolney, Crawley, Beeding, Southwick, Ifield, Cuckfield, and Twineham.	Not mentioned . . .
Sullescombe	A farm of about 100 acres in .	Ralph, of William de Warene .
Somerleigh or Somerley	. . . . .	Rainald, of Earl Roger . . .
Storrington	In Storrington and Billingshurst	Robert, of the Earl Roger .
The Boro' and Manor of New Shoreham	New Shoreham . . .	. . . . .

Present Owners.	If the Custom extends to Females and Collateral Heirs. Special Customs and Observations.	Authorities.
Earl of Abergavenny Earl of Burlington	The heirs are the youngest of sons, daughters, brothers, sisters, uncles, or aunts.—Fine at will of the Lord and Heriot, the best cloven footed beast. Youngest son As to portreeve service and burgage tenure lands to youngest son.—Free portreeve service lands to eldest son.	C. J. Longcroft, Esq. Customs presented, 1764. F. H. Gell, Esq. F. H. Gell, Esq.
Earl of Abergavenny	To the youngest son, youngest daughter, or youngest collateral relative.	Customs of Manors in the Barony of Lewes. F. H. Gell, Esq.
Earl of Abergavenny	The same.—Widow entitled for life for widow's-bench.	F. H. Gell, Esq.
Lord Viscount Gage	The custom extends to females lineally as well as collaterally.	John Hoper, Esq.
Earl De la Warr	The same The custom extends to females and collaterals.	John Hoper, Esq. Thomas Johnson, Esq.
Earl of Abergavenny	As to farthing lands and cotman lands, the youngest son is heir. Farthing lands to all the daughters. Cotman lands to the youngest daughter.—As to assert lands, the eldest son is heir. Wife entitled to dower as to farthing lands and cotman lands during chaste widowhood.	Robinson's Gavelkind, Third Edit., p. 392, n. a. F. H. Gell, Esq.
Rev. P. G. Crofts	Youngest son, daughters equally, youngest brother, and sister.	Messrs. Freeland, R. and J.
Rev. John Harman Heirs of H. T. Lane, Esq.	The custom extends to females lineally as well as collaterally.	John Hoper, Esq.
Earl De la Warr	The same	John Hoper, Esq.
Earl of Egmont	The same The descent is both lineally and collaterally to the youngest son or youngest daughter.	John Hoper, Esq. H. G. Brydone, Esq.
Rev. W. Sergison	Youngest son, youngest daughter, brother, sister, nephew, niece, or collateral relation, male or female.	H. R. Homfray, Esq.
Duke of Norfolk	The same as Bury	Notes and Queries, vol. iv, No. 235. Preface to Nelson's Lex. Man.
Duke of Norfolk	The same	Kempe v. Carter, 1 Leon, 55. Parliamentary Survey, MS. D. and C. of Chichester. Dallaway's Western Sussex, vol. i, p. 21, R. of C. Frederick Cooper, Esq., of Arundel. Ibid.

Names of Manors.	Parishes in which situate.	Possessors in Domesday Book.
South Malling Tottington alias Woowood	Lindfield. In Beeding, Cowfold, Twineham, Hurstperpoint, and Cuckfield	William, a Knight in demesne, but it is included in the lands of William de Braiose.
Tillingham	In Udimore and Peasemarsh .	Not mentioned . .
Treyford	Treyford	Robert Fitz Tebald, of the Earl Roger.
Telscombe	In Telscombe, with certain rights in Southease.	. . . . .
Udimore Verdley	Udimore and Rye In Eastbourne	Beinbert, of the Earl of Eu Not mentioned . .
Walhurst or Walhurst	Cowfold, Slaugham, Nuthurst, and Crawley.	Not mentioned . .
Westfield	. . . . .	. . . . .
Westmeston Wickham	Westmeston and Chiltington . Clayton	Robert, of William de Warene. Alwyn, of the Wife of William de Watevile, but comprised in the lands of William de Warene
Wiggenholt	In Pulborough [Storrington], Billinghurst, Wigginholt, and Slinfold.	. . . . .
Wanworth	In Graffham	Four Foreigners held Graffham, of Earl Roger.
Woolavington Wilmington	In Woolavington Principally in Wilmington, and parts in Arlington, Bedding- ham, Friston, Hailsham, Heath- field, Laughton, Ripe, and Wil- lingdon.	Iva, of Earl Roger . . . The Abbot of Gresteine, of the Earl of Moreton.
Woolbeding	In Woolbeding	Odo, of the King . . .
Worth Warbleton	In Worth In Warbleton	Not mentioned . . Countess Goda, of the Earl of Moreton.
Westbourne	Westbourne	Earl Roger . . .
Wadhurst	Wadhurst	Not mentioned . .
Warningore Walstead Watton	Newick and Chailey . . . Lindfield . . . .	. . . . .. . . . .

Present Owners.	If the Custom extends to Females and Collaterals. Special Customs and Observations.	Authorities.
.	The descent is both lineally and collaterally to the youngest son or youngest daughter.	H. G. Brydone, Esq.
.	The custom does not extend to females or collateral heirs.	E. N. Dawes, Esq.
Miss Cordelia Shelley	.	Dallaway's Western Sussex, E. of Ch., p. Customs presented, 1711. W. P. Kell, Esq.
Fred. Langford, Esq.	The custom extends to females and to collaterals.	R. Young, Esq.
Mrs. Wood	Copyholds descended to the youngest son, daughter, &c.—All now enfranchised.	W. Durrant Cooper, Esq.
.	The custom extends to females lineally as well as collaterally.	John Hoper, Esq.
Heirs of H. T. Lane, Esq.	The same	John Hoper, Esq.
W. J. Campion, Esq.	The same	John Hoper, Esq.
.	The descent is both lineally and collaterally to the youngest son or youngest daughter.	H. G. Brydone, Esq.
The Bishop of Oxford	The same	W. Durrant Cooper, Esq., and Messrs. Blagden and Upton, of Petworth.
The same	The same	W. Durrant Cooper, Esq.
The Earl of Burlington.	To the youngest son, youngest daughter, &c.	W. Durrant Cooper, Esq.
.	The custom extends to females and collaterals,	Thomas Johnson, Esq.
— Bethune	The same	S. Waller, Esq.
The Trustees of Henry Smith's Charity	To the youngest son.—Except assert land, which descends to eldest son.	Court Rolls, per R. Bray, Esq., (Steward) to J. D. Norwood, Esq., of Ashford.
C. S. Dickens, Esq.	The heirs are the youngest of sons, daughters, brothers, sisters, uncles, or aunts.—Fine at will of the Lord and Heriot, best cloven footed beast.	C. J. Longcroft, Esq. Customs presented, 1674.
.	The youngest son is heir if the tenant is first admitted to bond land, but if first admitted to soke land the eldest son is the heir.—See special custom as to bond land and soke land.	Watkin's Copyholds, by Vidal, vol. ii, p. 246. Kemp v. Carter, 1 Leon, 55.
.	Youngest son, youngest daughter	J. E. Fallagar, Esq.
.	The same	J. E. Fallagar, Esq.
.	The same	J. E. Fallagar, Esq.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100



Hilton in Lindsey

13th March 185

My dear Edward,

In this Manor the Custo
g Borough English prevails and
the custom is that the
youngest Son is Heir of his
Father and all the Daughte
take equally - But seeing
that Customs vary almost
in every Manor to a greater
a less extent I scarcely
know how to define Borough
English to be more than a
~~Custome~~ tenure by which
the youngest Son is Heir to

Instead of the eldest - I
believe the customs which
regulate a division of the descent
to females are an addition
to simple Borough English -

I have known several instances
of the same taking effect on
this place - but not out of
the manor - Freehold &
Copyhold are equally subject
to it - The Freehold here being
Ancient Demesne which is
a kind of debased Freehold
I think your theory as to
Borough English is ingenious
and seems quite probable

I don't know anything
of Mrs Palmer's case - but
I remember Lockey Whister
and probably Lucy will
remember old Will North
who poisoned himself -
his son Thomas who was
his youngest son inherited
the property

Yours truly
Mrs. Howlett

P.S. I send you the weekly
Registers - Pray return them
I want to send them to
the Rev H.H.Q.

of law and
other estau-
- my self -

1839

Warrington

New Kent Head

11 April 1839

Dear Sir

I am very
much indebted to you to
for your favor of the 12th
and for the additional
information on the
Custom of Borough English
which you have been
so good as to send me.

In Lancashire the
Custom also prevails in
Billingbroke Hall and a
parcel of the Dukery of

John

1

Ancoats and adjoining
Parishes. The Custom
extends to the Youngest
Brother.

Anthony McAffey
of Market Place
Howard.

I am in the
midst of an election
(contested) for the
Borough of Colne
I am engaged for one
of the Candidates, but
would delay

{

• • • 84

1834

Acknowledging your
obliging Communication

I have forwarded
a spare copy of my ~~the~~
Essay on the History of
the Custom which I
have the pleasure to
send you attached
an extract
of it with a list of
the Borough English
clans in Suffolk
in further

John

Information you
may be so good as
to receive will
be esteemed

and I
remain

Dear Sir

Your faithful
servt

W. Hollings

Edward Peacock Esq, M.A.

Lincoln 18th March 1834

Dear Sir,

In reply to your letter
I beg to inform you that by the
custom of the Manor of Bishop's
Norton the youngest son is heir to
his father, but this is I believe
the only deviation from the Common
law mode of descent which the
Custom warrants. I find on the
Court rolls a presentation that the
eldest brother was the heir of a
copyholder. If there are daughters
but no son they are Co-heiresses - as at
Common law. I am Dr Sir
Yours faithful Son
John Wilson.









